County Council Of Howard County, Maryland

2004 Legislative Session   Legislative Day No. **9**

Bill No. 35-2004

Introduced by: Christopher J. Merdon

AN ACT prohibiting garbage collection during certain hours from commercial dumpsters located within a certain proximity to residential homes, and requiring notification regarding such prohibitions.

Introduced and read first time _____, 2004. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2004.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2004 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2004 at ___ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2004

_____
James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlin ing indicates material added by amendment.

1   ***Section 1. Be It Enacted by the County Council of Howard County, Maryland*** *that*

2   *Section 12.1601"Nighttime Collection Prohibited", of Subtitle 16. "Collection of*

3   *Commercial Garbage Dumpsters", of Title 12 "Health and Social Services", be, and is*

4   *hereby added to read as follows:*

5

6   **Title 12. Health and Social Services**

7   **Subtitle 16. Collection of Commercial Garbage Dumpsters**

8

9   **Section 12.1601 Nighttime Collection Prohibited**

10

11   A.   *FINDINGS.* NOISE CAUSED BY EMPTYING COMMERCIAL DUMPSTERS

12   IS DISTURBING TO RESIDENTS IN THE VICINITY AND IS

13   PARTICULARY DETRIMENTAL DURING NIGHTTIME HOURS.

14

15   B.   *AUTHORITY.* THIS SECTION SUPPLEMENTS OTHER STATE AND

16   LOCAL LAWS REGULATING NOISE. SECTION 3-105 OF THE

17   ENVIRONMENTAL ARTICLE OF THE MARYLAND ANNOTATED CODE

18   SPECIFICALLY ALLOWS LOCAL NOISE CONTROL ORDNANCES AS

19   LONG AS THEY ARE NOT LESS STRINGENT THAN ADOPTED BY THE

20   STATE RULES AND REGULATIONS.

21

22   C.   *PROHIBITION.* IT SHALL BE UNLAWFUL TO COLLECT, ARRANGE FOR,

23   OR PERMIT THE COLLECTION OF GARBAGE, TRASH, OR REFUSE

24   FROM A COMMERCIAL DUMPSTER LOCATED WITHIN 500 FEET FROM

25   THE PROPERTY LINE OF A PARCEL OF PROPERTY CONTAINING A

26   RESIDENTIAL DWELLING BETWEEN THE HOURS OF 10 P.M. AND 7

27   A.M.

28

29   D.   *DUMPSTER POSTING REQUIREMENTS.* ANY PERSON LEASING,

30   OWNING, OR OTHERWISE USING A COMMERCIAL GARBAGE

31   DUMPSTER LOCATED WITHIN 500 FEET FROM THE PROPERTY LINE

OF A PARCEL OF PROPERTY CONTAINING A RESIDENTIAL DWELLING
SHALL ATTACH A NOTICE THAT LISTS PROHBITED HOURS OF
GARBAGE COLLECTION AND A RESPONSIBLE CONTACT TO NOTIFY
OF ANY VIOLATION.

E. *PENALTIES*.

    (1)   IN ADDITION TO ALL REMEDIES PROVIDED BY LAW, ANY
    PERSON VIOLATING SUBSECTION (C) ABOVE MAY BE ISSUED
    A CIVIL CITATION AND IS SUBJECT TO CIVIL PENALTIES
    PURSUANT TO TITLE 24 "CIVIL PENALTIES" OF THE HOWARD
    COUNTY CODE AS FOLLOWS:
    (A) A FIRST VIOLATION SHALL BE A CLASS (D) OFFENSE;
    (B) A SECOND VIOLATION SHALL BE A CLASS (A) OFFENSE;
    AND
    (C) ANY SUBSEQUENT VIOLATION SHALL BE SUBJECT TO THE
    MAXIMUM FINE OF A CLASS (A) OFFENSE.

    (2)   A VIOLATION OF THE NOTIFICATION REQUIREMENTS IN
    SUBSECTION (D) ABOVE IS A CLASS (D) OFFENSE.

F. *ENFORCEMENT*. A CIVIL CITATION UNDER THIS SECTION MAY BE
ISSUED BY THE HOWARD COUNTY POLICE DEPARTMENT, THE
HEALTH OFFICER, AND ANY COUNTY EMPLOYEE DESGINATED BY
THE COUNTY EXECUTIVE.

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.